

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re:	)	2002 AMA Docket No. F&V 989-5
	)	
Lion Raisins, Inc.,	)	
	)	
	)	
Petitioner	)	<b>Order Granting Motion To</b>
	)	<b>Dismiss</b>

The Petitioner, Lion Raisins, Inc., has filed a second petition pursuant to Section 608c(15)(A) of the Agricultural Marketing Agreement Act of 1937 alleging that the Secretary of Agriculture has acted arbitrarily, capriciously and contrary to the requirements of the Marketing Order of Raisins Produced from Grapes grown in California in calculating the trade demand and establishing reserve and free tonnage percentages for California Raisins for the 2002-2003 crop year.

Respondent filed a Motion to Dismiss the Amended Petition on June 27, 2003. A letter dated June 27, 2003, notified Petitioner that it had twenty-days to respond to the Motion to Dismiss.

It appears that Petitioner has not filed a response to the Motion to Dismiss therefore;

IT IS ORDERED that the Motion to Dismiss the Amended Petition is **GRANTED**, and it is further;

ORDERED that the Amended Petition is hereby **DISMISSED**.

SO ORDERED this 29 day of September 2003.

s\ Leslie B. Holt  
Leslie B. Holt  
Administrative Law Judge

On file with the  
Hearing Clerk  
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